

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CYNTHIA CUMMINGS, ANDRE LAKE, BARBARA
EDMONDS, LINDA MCPHERSON, JAHMILA
EDWARDS, CYNTHIA MCCRIGHT, and BEVERLY
PERES, as Trustees of DISTRICT COUNCIL 37,
LOCAL 95 HEAD START EMPLOYEES WELFARE
FUND,

DEFAULT JUDGMENT

Plaintiffs,

Civil Action No.: 23-cv-5244
(LJL)

-against-

QUICK START DAY CARE CENTER INC. and JANE
DOES (the foregoing names being fictitious and unknown
to Plaintiffs at the present time, all of whom are
responsible officers, directors and/or representatives of the
corporate Defendant named above),

Defendants.
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This action, having been commenced on June 21, 2023, by the filing of the complaint and issuance of a summons, and the summons and complaint having been served upon defendant QUICK START DAY CARE CENTER INC., pursuant to Rule 4(e)(1) and Rule 4(h)(1) of the Federal Rules of Civil Procedure; and it further appearing that defendant QUICK START DAY CARE CENTER INC. has not appeared, answered or made any motion with respect to the complaint and the time for answering the complaint or so moving having expired,

NOW, on motion of Archer, Byington, Glennon & Levine, LLP, attorneys for the plaintiffs, and upon the proceedings herein, it is

ORDERED, ADJUDGED AND DECREED, that plaintiffs are hereby awarded judgment against defendant, QUICK START DAY CARE CENTER INC., in the sum of \$14,338.95 in unpaid fringe benefit contributions for the months of March 2022 and April 2022, together with interest on the unpaid contributions at the rate of one percent (1%) per month, as demanded in the complaint and as provided in defendant's collective bargaining agreement, the

plaintiffs' Trust Agreement, and §502(g)(2) of ERISA, 29 U.S.C. §1132(g)(2), amounting to \$2,926.02 as of December 4, 2023, plus liquidated damages in the sum of twenty (20%) percent of the unpaid contributions as demanded in the complaint and as provided in defendant's collective bargaining agreement and §502(g)(2)(C) of ERISA, 29 U.S.C. §1132(g)(2)(C), amounting to \$2,867.79, plus the reasonable attorneys' fees and costs of this action, as demanded in the complaint and as provided in §502(g)(2)(D) of ERISA, 29 U.S.C. §1132(g)(2)(D), amounting to \$5,375.75, as of December 4, 2023, and amounting in all to judgment in plaintiffs' favor in the sum of \$25,508.51, plus interest at the per diem rate of \$6.62 per day from December 5, 2023, to the date of entry of judgment herein, and that plaintiffs have execution therefor.

ORDERED, ADJUDGED AND DECREED, that defendant, QUICK START DAY CARE CENTER INC., shall permit and cooperate in the conduct of an audit of defendant's payroll and wage records, and to produce to the Fund's auditors, during reasonable business hours, the payroll and wage records required to conduct a payroll audit to ensure compliance with the terms of the defendant's Collective Bargaining Agreement and to ascertain the amount of any additional fringe benefit contributions and assessments dues, and payable to plaintiffs, and that plaintiffs have execution therefor.

Dated: New York, New York
January 17, 2024



Lewis J. Liman
U.S.D.J.

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